

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:99CV268

**STEVE E. ASHE, and wife DEBORAH)
ANN SCOTT ASHE, *et al.*,)**

This document pertains to:)

**STEVE E. ASHE, and wife DEBORAH)
ANN SCOTT ASHE; FRANK H.)
BARTON; HOMER R. BLYTHE, and)
wife ANN ENGLISH BLYTHE;)
BEN BOLT, and wife FLORA MAE)
McCALL BOLT; SHIRLEY EUGENE)
BRACKEN, and wife ANNIE JO)
SHERRIL BRACKEN; FRED C.)
BRYSON, and wife MARY B.)
BRYSON; ALLEN E. CHAPMAN, and)
wife SANDRA FISHER CHAPMAN;)
JOHN C. CHAPMAN, and wife IVA)
LEE ANDERS CHAPMAN; DAVID H.)
CORN, and wife PHYLLIS BOWEN)
CORN; ROBERT H. CROWE, and wife)
MARIAN CROWE; RHONDA)
DEBRUHL, Administrator of the)
Estate of Fred Davis, Deceased;)
DANNY L. DUCKWORTH; JOHN D.)
EZELL, and wife AILEEN RODGERS)
EZELL; EDNA MAE FEWELL;)
SALLY R. FLETCHER,)
Individually and as Executrix of the)
Estate of Carroll D. Fletcher,)
Deceased; WILLIAM M. GADDY, SR.,)
and wife MYRTLE N. GADDY;)
CLYDE C. GALLOWAY, and wife)
BELLE T. GALLOWAY; JAMES C.)**

GOFORTH, and wife THELMA W.)
 GOFORTH; CLAUDE S. GOODSON,)
 and wife DARLENE GOODSON;)
 ROBERT P. GRANT, and wife DORIS)
 PATTERSON GRANT; LARRY W.)
 GREGORY; WILLIAM H. HALL, JR.,)
 and wife WANDA D. HALL; WILLIE)
 E. HARRON; THOMAS B. HEATON,)
 and wife ELLA MAE P. HEATON;)
 RICHARD L. HISSA, and wife)
 PRISCILLA B. HISSA; MARILYN S.)
 JARRETT, Individually and as)
 Executrix of the Estate of Douglas L.)
 Jarrett, Deceased; MAGGIE C.)
 KRIDER, Individually and as Personal)
 Representative of the Estate of)
 Thomas Krider, Deceased; JAMES T.)
 MAHONEY, JR., and wife BRENDA)
 FAYE J. MAHONEY; ERNEST R.)
 MANEY, and wife BARBARA GREEN)
 MANEY; ARTHUR A. McCALL, and)
 wife EDITH ENGLISH McCALL;)
 BENJAMIN F. McCALL, and wife)
 DONNIE VEE McCALL; FRANKLIN L.)
 McCALL, and wife BETTY LAMBERT)
 McCALL; JAMES D. McCALL;)
 RUFUS S. McCALL, and wife)
 MARGARET PAULINE R. McCALL;)
 SHERRELL P. McCRARY, and wife)
 VELMA EARLENE McCRARY;)
 BETTY N. MICHAEL, Individually and)
 as Executrix of the Estate of John A.)
 Michael, Deceased; JIMMY G.)
 MILLER, and wife LINDA GALLOWAY)
 MILLER; BENNY L. MOONEY, and)
 wife MILDRED RUTH H. MOONEY;)
 WILLIAM L. MOONEY, SR., and wife)

BILLIE FARMER MOONEY;)
 PATRICIA M. CROUCH, as Executrix)
 of the Estate of Tarlie E. Moore,)
 Deceased, and BEULAH C. MOORE;)
 PEGGY LOFLIN, as Administrator of)
 the Estate of James H. Morris,)
 Deceased; GEORGE H. NEWMAN,)
 and wife VIRGINIA H. NEWMAN;)
 CARROLL F. OWEN, and wife)
 CYNTHIA SPIVEY OWEN; MARY M.)
 OWEN; PHILLIP E. OWENS, and wife)
 DOROTHY LORENA W. OWENS;)
 ROSCOE H. PONDER, and wife)
 GRACE JULIE R. PONDER; JOE B.)
 ROGERS, and wife JUNE ROGERS;)
 REMUS L. ROPER, and wife SHIRLEY)
 ROPER; PAUL D. SEAGLE, and wife)
 LINDA M. SEAGLE; DOUGLAS G.)
 SENTELLE, and wife CINDY)
 SENTELLE; CHARLES N. SHOOK, as)
 Executor of the Estate of Vance F.)
 Shook, Deceased; BRONITH SHOOK,)
 as Administrator of the Estate of)
 Vance Randall Shook; ETHEL IRENE)
 J. SITTON, Individually and as)
 Executrix of the Estate of Ed J.)
 Sitton, Deceased; NETTIE L. SITTON;)
 BRUCE D. SMITH, and wife DELORES)
 H. SMITH; ROBERT A. SMITH, and)
 wife MARGORIE L. SMITH;)
 BRADLEY H. SNIPES, and wife)
 ELEANOR E. SNIPES; FRANK A.)
 STEVENS, and wife RUBY IRENE)
 STEVENS; RUTH G. SUMMEY,)
 Individually and as Executrix of the)
 Estate of Clyde C. Summey,)
 Deceased; JUANITA W. WATSON;)

CHARLES E. WHITEMIRE, and wife)
 BOBBIE JEAN WHITEMIRE;)
 ALBERT W. WILLIAMS, and wife)
 CAROLYN WILLIAMS; and THOMAS)
 J. WOODS, and wife ALICIA JEAN)
 WOODS,)

Plaintiffs,)

Vs.)

AMCHEM PRODUCTS, INC.;)
 A. W. CHESTERTON, INC.;)
 CROWN CORK & SEAL COMPANY,)
 INC.; FOSTER WHEELER)
 CORPORATION; GARLOCK, INC.;)
 GEORGIA PACIFIC CORPORATION;)
 METROPOLITAN LIFE INSURANCE)
 CORPORATION; MINNESOTA MINING)
 AND MANUFACTURING COMPANY,)
 INC.; NATIONAL SERVICE)
 INDUSTRIES, INC.; OWENS-ILLINOIS,)
 INCORPORATED; RAPID AMERICAN)
 CORPORATION; D. B. RILEY, INC.;)
 CBS CORPORATION; ALBANY)
 INTERNATIONAL; WEAVEXX)
 CORPORATION; SCAPA DRYER)
 GROUP, INC.; ABNEY MILLS)
 CORPORATION; BRANDON DRYING)
 FABRICS, INC.; INDUSTRIAL)
 HOLDINGS CORPORATION; MT.)
 VERNON MILLS, INC.; and ASTEN,)
 INC.,)

Defendants.)

ORDER OF DISMISSAL AS TO DEFENDANT
METROPOLITAN LIFE INSURANCE COMPANY

THIS MATTER is before the Court on the joint motion of the captioned Plaintiffs¹ to dismiss their claims with prejudice as to the Defendant Metropolitan Life Insurance Company (“MetLife”).

For the reasons stated in the motion and pursuant to the agreement of the captioned Plaintiffs and Defendant MetLife,

IT IS, THEREFORE, ORDERED that the joint motion to dismiss is **ALLOWED**, and the claims of Plaintiffs Steve E. Ashe, and wife Deborah Ann Scott Ashe; Frank H. Barton; Homer R. Blythe, and wife Ann English Blythe; Ben Bolt, and wife Flora Mae McCall Bolt; Shirley Eugene Bracken, and wife Annie Jo Sherril Bracken; Fred C. Bryson, and wife Mary B. Bryson; Allen E. Chapman, and wife Sandra Fisher Chapman; John C. Chapman, and wife Iva Lee Anders Chapman; David H. Corn, and wife Phyllis Bowen Corn; Robert H. Crowe, and wife Marian Crowe; Danny L. Duckworth; Edna Mae Fewell; Carroll D. Fletcher and wife, Sally R. Fletcher; William M. Gaddy, Sr. and wife, Myrtle N. Gaddy; Clyde C. Galloway and wife, Belle T. Galloway; James C. Goforth and wife, Thelma

¹ This motion dismisses all Plaintiffs’ claims against the Defendant MetLife with the exception of Plaintiff William P. McKelvey.

W. Goforth; Claude S. Goodson and wife, Darlene Goodson; Robert P. Grant and wife, Doris Patterson Grant; Larry W. Gregory; William H. Hall, Jr. and wife, Wanda D. Hall; Willie E. Harron; Thomas B. Heaton and wife, Ella Mae P. Heaton; Richard L. Hissa and wife, Priscilla B. Hissa; Douglas L. Jarrett and wife, Marilyn M. Jarrett; James T. Mahoney, Jr. and wife, Brenda Faye J. Mahoney; Ernest R. Maney and wife, Barbara Green Maney; Benjamin F. McCall and wife, Donnie Vee McCall; Franklin L. McCall and wife, Betty Lambert McCall; James D. McCall; Rufus S. McCall and wife, Margaret Pauline R. McCall; Sherrell P. McCrary and wife, Velma Earlene McCrary; John A. Michael and wife, Betty N. Michael; Jimmy G. Miller and wife, Linda Galloway Miller; Benny L. Mooney and wife, Mildred Ruth H. Mooney; William L. Mooney, Sr. and wife, Billie Farmer Mooney; Tarlie E. Moore and wife, Beulah C. Moore; James H. Morris; George H. Newman and wife, Virginia H. Newman; Carroll F. Owen and wife, Cynthia Spivey Owen; Mary M. Owen; Phillip E. Owens and wife, Dorothy Lorena W. Owens; Roscoe H. Ponder and wife, Grace Julie R. Ponder; Joe B. Rogers and wife, June Rogers; Remus L. Roper and wife, Shirley Roper; Paul D. Seagle and wife, Linda M. Seagle; Douglas G. Sentelle and wife, Cindy Sentelle; Vance F. Shook; Vance Randall Shook; Ed J. Sitton and

wife, Ethel Irene J. Sitton; Nettie L. Sitton; Bruce D. Smith and wife, Delores H. Smith; Bradley H. Snipes and wife, Eleanor E. Snipes; Frank A. Stevens and wife, Ruby Irene Stevens; Juanita W. Watson; Charles E. Whitemire and wife, Bobbie Jean Whitemire; Thomas J. Woods and wife, Alicia Jean Woods, against Defendant Metropolitan Life Insurance Company, are hereby **DISMISSED WITH PREJUDICE**.

Signed: March 22, 2007

A handwritten signature in dark ink, appearing to read 'Lacy H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

